

1885-025 Chancery Causes: Eli Hubbard vs. Lavina Hubbard
Lee Co.

Sargent, Bays, Smith

CA-Divorce

T. Health/Medicine
Vices

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County Virginia:

Humbly complaining your Orator Eli H.
Hubbard would respectfully show unto your Honor that on or
about the 19th day of July 1881. Confiding in the purity, chastity and
uprightness of one Lavina Sargent he intermarried with
her, and thereby made her Lavina Hubbard and the lawful
wife of your Orator.

Your Orator states that from that time down to about the
month of June 1884, he and his said wife lived associated &
co-habited together as man and wife and were as happy
and contented as is usual with newly married people.

But about that time Your orator states that a loathsome disease
the name of which is improper
then came to him, and unfit to be written on paper, much to
his assurance on him, and has steadily been getting worse
in spite of all the medical aid he could procure, until the
same now permeates his entire system and he is now
prostrated on a bed of affliction, from which he will not
soon if ever recover; Your Orator states, but for the
appearance of said disease upon him, he does not know
how long he might have continued in total ignorance of
his said wife's gross infidelity to him, and as soon as he
learned the character of the disease with which he was
afflicted, he accused and charged his said wife with being
the medium through and by which the same had been com-
municated to him, and to this accusation and charge

Your Orator's said wife neither assented ^{to} or denied the same, but by her silence virtually admitted the truth of said accusation. Your Orator therefore alleges, and he will make good the allegation, by proof of which he is fully satisfied that his said wife has been guilty of gross infidelity and adultery, by having carnal sexual intercourse with others than your Orator, ^{since she has been his wife} and has thereby forfeited all right longer to be called the wife of your Orator.

Your Orator states that since he became aware of his said wife's infidelity, he has not lived with or cohabited with her as his wife and he only became aware of that fact in the month of June or July in the year 1884 so that ^{five} years have not elapsed.

Your Orator states that his said wife's infidelity and adulterous acts, were not committed by her, by the procurement or connivance of your Orator, but were committed by her voluntarily and against the earnest wish of your Orator.

Your Orator is advised that under the facts of his case he is entitled at the hands of a court of equity, where matters of this sort are alone cognizable to a decree of divorce a vinculo matrimonii and to obtain that relief is the object of this bill.

Your Orator therefore prays that said Lavinia Hubbard be made defendant to this bill and required to answer the statements thereof on oath, and upon a hearing of the cause a decree be rendered totally dissolving the bond of matrimony now existing between your Orator and the said Lavinia Hubbard.

May the Commonwealth writ of habeas corpus be directed &c.

Henry J. Morgan for Plaintiff

C \$6.00
 S 1.10
 Comm. H. 1.50
 wit 1.50
 A 18.80
 22.90

Eli Hubbard

24. M

as } Bill for Diverse

Lavinia Hubbard

1884. Sept. Bill filed.

" Octo. Spec. Exd & D. Nisio

" Nov. D. Nisio, & cause
set for hearing.

" Nov. Continued

1885. Mr. Leore final.

Eli Hubbard	Peff	} In Lohy
vs.		
Savina Hubbard	Deft	

This cause came on this day to be heard on the bill of the Peff and deposition of witnesses, and was argued by counsel. And it appearing to the court from the proof in the cause, that the Peff is entitled to a divorce à vinculo Matrimonii. It is therefore adjudged ordered and decreed that the bond of Matrimony now existing between the Peff and Deft. he and she same is hereby dissolved; and the Peff is allowed again to marry, but that privilege is denied the Deft. she being the party at fault. and

The parties are hence dismissed and the cause is stricken from the docket.

Eli Hubbard

or 3/4 Bone final

Lavinia Hubbard

Mich. V. 1883. Entered

Op. P. 438.

J. R. Gibson D.C.

Entered this

J. A. K.

Mar 28/85

Mrs Lavinia Hubbard

You will please take notice that at
the clerks office of the circuit court of Lee County, on the
second day of Oct 1884. I will proceed to take the deposition
of Flannery Bays. Wm M^r. Donald and Jonathan Smith
which are intended to be read as evidence on my
behalf in a certain chancery suit now pending in the
circuit court of Lee County W. in which I am Plaintiff
and you are defendant.

Eli Hubbard

By Henry J Morgan atty.

Sept 20th 1884.

Eli Hubbard

no. { Notice Oct 2 1884
3

Lavinia Hubbard

Exempted by delivering to
the clerk a copy of the
written notice Sep 20 1884

J. H. Evinger
for R. D. Flanery
J. L. C.

Eli Hubbard Plff }
vs } In Chancery
Lavina Hubbards Deft }

The deposition of Flannery Bays,
Wm McDonald and Jonathan Smith,
taken pursuant to notice hereto attached,
at the Clerk's office of the Circuit
Court of Lee County on the 2nd day
of October 1884, which are intended
to be read as evidence on behalf
of the Plaintiff in the above
styled Cause -

Flannery Bays a witness of lawful
age being duly sworn deposes and
says -

I am acquainted with the
defendant (Lavina Hubbards) in
the above styled Cause. The Plff
and her separated in the latter
part of last July, and have
not lived together since that
time. I live in the neighborhood
of these parties, I know the fact
that the defendant was guilty
of the crime of adultery before
she and her husband separated,
and while I can not state the
precise time, I think it was
some 8, 10 or 12 months prior.

to their parting, that to my knowledge,
she was guilty of said Crime
And further this witness saith not.
F. M. May

Jonathan L. Smith an other witness
of Lawful age being first duly sworn
deposes and says.

I am acquainted with the Deft,
Lavinia Hubbard, in this cause, and
I know the fact that she has been
guilty of the Crime of adultery, since
she has been the wife of the Plaintiff
Eli Hubbard, and this fact of adu-
tery was committed by her some
12 or 14 months ago. I do not
know when the Plaintiff became
aware of his wifes infidelity to him,
but since their seperation he has
not lived with her as his wife, and
I do not believe he has seen her
since that time.

And further this witness saith not.

J. L. Smith

The forgoing depo. was taken, subscribed and
sworn to before me at the place, and time
stated in the Caption, Octo. 2nd 1884

J. H. Hyatt Comm.

Virginia Lee County Court

You are commanded to Summon Henry Bay,
Wm. McDonald, and Jonathan Smith to appear at the
clerk's office of the Circuit Court of Lee County on the
2nd day of Oct 1884 To give evidence before me on the
part of Eli Hubbard against Luina Hubbard.

To the Sheriff of Lee Co. Va. }

J. A. H. H. att. Court

Sept 19 - 1884.

Eli Hubbard.

vs. } Spas for Waterpoco

Sarina Hubbard

Executed in F. L. May 1890
and Jonathan Smith
and on Wm. M. D. 1894 by
leaving a sum for him
with said Smith Sept 20/84.

J. H. Quincy &
for R. D. Flanery
J. L. C.

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

Lavina Hubbard

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in
October next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
her, by *Eli Hubbard*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,
this *18th* day of *September*, 1884, in the 10⁹ year of the Commonwealth.

John A. G. Hyatt, Clerk.

A Copy---Teste:

(H. J. M.)

Eli Hubbard
vs ³ Spa Chey
Lavina Hubbard

Lo October Rules 1884

Executed by delivering to
the clerk a copy of the
within writ Sept 20 1884.

S. H. Emery &
for R. D. Flanery
S. L. C.